

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**JONATHAN VILLARREAL,
Individually and derivatively on behalf
Of ZROBLACK, LLC**

Plaintiffs,

v.

JOHN SAENZ, et al.,

Defendants.

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No. 5:20-cv-00571-OLG

**MOTION FOR ENTRY OF STIPULATION AND AGREED ORDER FOR DEADLINES
RELATED TO DEFENDANTS' REPLIES TO**

**(I) PLAINTIFFS' RESPONSE TO DEFENDANTS GUNN, LEE & CAVE, P.C.'S AND
MIGUEL VILLARREAL'S SECOND RULE 12(B)(6) MOTION TO DISMISS [DKT. 45]**

AND

**(II) PLAINTIFF'S RESPONSE TO DEFENDANT JOHN SAENZ'S RULE 12(B)(6)
MOTION TO DISMISS [DKT 46]**

**TO THE HONORABLE RICHARD FARRER,
UNITED STATES MAGISTRATE JUDGE:**

COME NOW Defendants JOHN SAENZ, MIGUEL VILLARREAL, JR., and GUNN, LEE, & CAVE, P.C. and move this Court for entry of an order setting forth deadlines under Federal Rule of Civil Procedure 7 and Local Rule CV-7 pursuant to the stipulation of the Parties (as defined herein). Plaintiffs JONATHAN VILLARREAL, individually and derivatively on behalf of ZROBLACK, LLC and Defendants JOHN SAENZ, MIGUEL VILLARREAL, JR., and GUNN, LEE, & CAVE, P.C. (collectively, the "Parties") have reached an agreement related to various deadlines and request the Court enter an order establishing those deadlines.

1. In response to Plaintiffs' Amended Complaint, the Defendants filed motions to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

2. Plaintiffs filed their Response to Defendants Gunn, Lee & Cave, P.C.'s and Miguel Villarreal's Second Rule 12(b)(6) Motion to Dismiss [Dkt 45] and Plaintiffs' Response to John

Saenz's Rule 12(b)(6) Motion to Dismiss [Dkt 46] (together, the "Responses") on February 25, 2021. By agreement of the parties, and due to the inclement weather and associated utility malfunctions experienced during the week of February 15, 2021, the deadline for the Responses had been extended.

3. Under Local Rule CV-7, the deadline for the Defendants to file Replies to the Responses would be March 4, 2021. However, counsel for the Defendants requested an additional week, because the exigent circumstances listed above have created a backlog of work. Plaintiffs' counsel is not opposed to the extension.

4. The Parties specifically stipulate as follows: Pursuant to Federal Rule of Civil Procedure 7 and Local Rule CV-7, the Defendants' deadline to Reply to the Responses shall be March 11, 2021.

5. The extension is not sought for improper purposes and will not materially delay the adjudication of this case.

WHEREFORE, PREMISES CONSIDERED, the Parties pray that the Court enter an order substantially in the form attached hereto as **Exhibit A** establishing the deadline for the Defendants to file their Replies to the Responses, and for such other relief to which they may be entitled at law or equity.

Dated March 2, 2021.

Respectfully submitted,

/s/ Natalie F. Wilson

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GUNN, LEE & CAVE, PC

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2021, a true and correct copy of the above and foregoing instrument was served via the Court's electronic transmission facilities on:

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